

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed Rules of the  
Department of Labor and Industry Governing  
Radon Gas Mitigation Control Methods in  
Residential Buildings and the Minnesota  
Residential Energy Code, Minnesota Rules  
parts 1303.2400-1303.2403 and 1322.0010-  
1322.2400.

**ORDER ON REVIEW  
OF ADDITIONAL NOTICE  
PLAN AND DUAL NOTICE**

This matter came before Administrative Law Judge LauraSue Schlatter upon the application of the Minnesota Department of Labor and Industry for a legal review under Minn. R. 1400.2060 and 1400.2080.

On March 10, 2014, the Department filed documents with the Office of Administrative Hearings seeking review and approval of its dual notice and additional notice plan.

Under its Additional Notice Plan, the Minnesota Department of Labor and Industry plans to notify:

1. All certified building officials and others involved in code administration. This includes all municipal building officials that are responsible for the administration of the State Building Code;
2. American Association of Radon Scientists and Technologists;
3. Builders Association of Minnesota;
4. Builders Association of the Twin Cities;
5. Association of Minnesota Building Officials;
6. National Radon Safety Board;
7. National Environmental Health Association;
8. Minnesota Department of Health;
9. American Institute of Architects - Minnesota;
10. Minnesota Society of Professional Engineers;
11. League of Minnesota Cities;
12. Association of Minnesota Counties;
13. Minnesota Association of Realtors;
14. Minnesota Mechanical Contractors' Association;

15. Minnesota Society of Professional Engineers;
16. Building Owners and Managers of Minneapolis and St. Paul.

Based upon a review of the written submissions by the Department,

**IT IS HEREBY ORDERED THAT:**

1. This matter has been re-assigned to Administrative Law Judge LauraSue Schlatter.
2. The Additional Notice Plan is **APPROVED** contingent upon the following entities being added to the Plan: the Associated General Contractors of Minnesota and the current list of the voluntarily certified radon mitigation contractors maintained by the Minnesota Department of Health at [www.health.state.us/radon](http://www.health.state.us/radon).
3. The Dual Notice is **APPROVED**, provided that the Notice is modified reflect the reassignment to Judge Schlatter. In addition, the Department shall replace the phrase "the Department will hold a hearing" with either "the Administrative Law Judge will hold a hearing" or "a hearing will be held" whenever that phrase appears in the text of the Dual Notice.<sup>1</sup>

Dated: March 17, 2014

s/LauraSue Schlatter  
LAURASUE SCHLATTER  
Administrative Law Judge

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<sup>1</sup> *Proposed Dual Notice*, p. 1: Introduction, line 5, "the Department will hold a public hearing,"; line 8, "if it will hold the hearing . . . ."; *Dual Notice*, p. 2: Request for a Hearing, line 2, "Department hold a hearing," ; line 7, "it must hold a public hearing."; Withdrawal of Requests, line 2, "the Department will hold a public hearing . . . ."; Notice of Hearing, line 3, "The Department will hold the hearing. . . ."; Hearing Procedure, line 1, "If the Department holds a hearing . . . ."